

ORDINANCE NO. 301-04

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA,
CALIFORNIA, AMENDING ORDINANCE NO. 231-01, SECTIONS 2.05.040A,
2.05.040B.1, 2.05.040B.2, AND 2.05.050A RELATING TO CAMPAIGN
CONTRIBUTION AND VOLUNTARY EXPENDITURE LIMITS**

The City Council of the City of Murrieta ordains as follows:

SECTION 1. Amend Section 2.05.040A - Declaration of Candidacy as follows:

No person may make, and no candidate for City of Murrieta elective office and the controlled committee of that candidate may solicit, accept or receive, any campaign contribution until a FPPC Form 501, Candidate Intention Statement, has been filed. However, Form 501 is not required if no contributions are received and the only expenditure is from personal funds for the candidates statement in the sample ballot.

SECTION 2. Amend Section 2.05.040B.1 - Contribution Limits as follows:

Candidates or controlled committees who agree to limit their campaign expenditures pursuant to Section 2.05.050 may accept contributions of up to one thousand dollars (\$1,000.00) from any single source in any single election. This contribution will be adjusted annually following the November, 2006 election in accordance with Section 2.05.040B.3.

SECTION 3. Amend Section 2.05.040B.2 - Contribution Limits as follows:

Candidates or controlled committees who do not agree to limit their campaign expenditures pursuant to Section 2.05.050 may accept contributions of up to five hundred dollars (\$500.00) from any single source in any single election. This contribution will be adjusted annually following the November, 2006 election in accordance with Section 2.05.040B.3.

SECTION 4. Amend Section 2.05.050A - Amount per Registered Voter as follows:

No candidate or controlled committee who voluntarily accepts expenditure ceilings shall make campaign expenditures in excess of an amount equal to one dollar and fifty cents (\$1.50) per registered voter of the City of Murrieta. The number of registered voters for such calculation shall be determined by the City Clerk from the last available certification of registered voters to the California Secretary of State on the first day of the nomination campaign period.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall publish a summary of this Ordinance and post a copy of the full ordinance in the office of the City Clerk at least five days prior to the adoption of the proposed ordinance; and within 15 days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance. This Ordinance shall take effect thirty days after the date of its adoption.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk
this 4th day of May, 2004.

(d)(5)

Mayor
City of Murrieta

ATTEST:

(d)(5)

City Clerk
City of Murrieta

I, A. Kay Vinson, City Clerk of the City of Murrieta, California, hereby certify that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on 20th day of April, 2004 and that thereafter the said Ordinance was duly and regularly adopted at a meeting of the City Council on the 4th day of May, 2004, by the following vote, to wit:

AYES: McAllister, Seyarto, and van Haaster

NOES: Enochs and Ostling

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the City of Murrieta, California, this 4th day of May, 2004.

(d)(5)

City Clerk, City of Murrieta

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA,
CALIFORNIA, ADDING CHAPTER 2.05 TO THE MURRIETA MUNICIPAL
CODE RELATING TO CAMPAIGN CONTRIBUTION AND VOLUNTARY
EXPENDITURE LIMITS**

The City Council of the City of Murrieta ordains as follows:

SECTION 1. A new Chapter 2.05 is hereby added to the Murrieta Municipal Code to read in its entirety as follows:

**"Chapter 2.05 CAMPAIGN CONTRIBUTION AND VOLUNTARY
EXPENDITURE LIMITS**

Sections:

- 2.05.010 Purpose and Intent
- 2.05.020 Relation to Political Reform Act of 1974
- 2.05.030 Definitions
- 2.05.040 Limitations on Campaign Contributions
- 2.05.050 Voluntary Campaign Expenditure Limits
- 2.05.070 Violation and Penalty

2.05.010 Purpose and Intent

High costs and large campaign contributions associated with campaigns for local elective office can undermine the public's trust and confidence in the electoral process and lead to unfair competition between candidates. It is the intent of this chapter to promote the small town atmosphere of local elections consistent with community values and to end the fundraising "race" by lowering campaign costs and slowing the increase in campaign spending by implementing comprehensive campaign finance reforms including a voluntary expenditure ceiling, mandatory contribution limits and an effective enforcement mechanism.

In furtherance of those goals, a reasonable campaign contribution limitation and a voluntary campaign expenditure limitation are hereby enacted that are similar to those enacted by other communities. In those communities, such limitations have not inhibited city council candidates' ability to conduct meaningful and effective campaigns, but they have limited the appearance and incidents of corruption that have been experienced.

The Council finds that the City may enact an ordinance limiting campaign contributions in municipal elections as provided by Section 10202 of the Elections Code of the State. Further, pursuant to Section 81013 of the Government Code of the State, it is determined that the additional requirements imposed by this chapter do not preclude any person from complying with the Political Reform Act of 1974.

2.05.020 Relation to Political Reform Act of 1974

This Chapter is intended to be a supplement to and in no way to conflict with the Political Reform Act of 1974, which is codified in Title 9 of the California Government Code and its implementing regulations. Unless otherwise defined in this chapter, words and phrases have the same meanings here as those given to them by Title 9 of the California Government Code, and as the same may be amended from time to time, and its implementing regulations, and with the interpretations of these provisions by the California Fair Political Practices Commission.

2.05.030 Definitions

A. "Contribution" means any payment made for political purposes for which full and adequate consideration is not made to the donor.

1. A "contribution" includes:

a. Any goods or services received by or requested by a city council candidate at no charge or at a discount from the fair market value, unless the discount is given in the regular course of business to members of the public.

b. Cash.

c. A loan or an extension of credit for more than 30 days, other than loans from financial institutions given in the normal course of business.

2. A "payment made for political purposes" is a payment made:

a. For the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a city council candidate; or

b. Received by or made at the request of a city council candidate.

B. "City Council Candidate" means an individual who is listed on the ballot or who has qualified to have write-in votes on his or her behalf counted by election officials, for nomination for or election to the Murrieta City Council, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to the Murrieta City Council, whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. "Candidate" also includes any City Council Member who is the subject of a recall election. An individual who becomes a candidate for the Murrieta City Council shall retain his or her status as a candidate until

such time as that status is terminated pursuant to Section 84214 of the Government Code.

2.05.040

Limitations on Campaign Contributions

- A. *Declaration of Candidacy.* No person may make, and no candidate for City of Murrieta elective office and the controlled committee of that candidate may solicit, accept or receive, any campaign contribution until the nomination period has opened for the impending election, usually 113 days prior to the election.
- B. *Contribution Limits.*
 - 1. Candidates or controlled committees who agree to limit their campaign expenditures pursuant to Section 2.05.050 may accept contributions of up to five hundred dollars (\$500.00) from any single source in any single election.
 - 2. Candidates or controlled committees who do not agree to limit their campaign expenditures pursuant to Section 2.05.050 may accept contributions of up to two hundred and fifty dollars (\$250.00) from any single source in any single election.
 - 3. The contribution limits established in this subsection shall be automatically adjusted annually, following the November, 2001 election, based on the Consumer Price Index for "all urban consumers" from April to April among U.S. West and/or Los Angeles, Long Beach, Anaheim Metropolitan area. Such adjustments shall be rounded to the nearest Ten and no/100ths (\$10.00) Dollar amount.
- C. *Return of Contributions.* A contribution will not be considered to be received or accepted if it is not cashed, negotiated, or deposited, and is returned to the donor before the closing date of the campaign statement on which the contribution would otherwise be reported.
- D. *Family Contributions.* Contributions by a husband and wife shall be treated as contributions by separate persons and shall not be aggregated. Contributions by children under eighteen years of age are presumed to be a contribution from the parent or guardian of the child.
- E. *Personal Funds.* The limitations of this subsection shall not apply to contributions of a candidate's personal funds to his or her controlled campaign committee on behalf of his or her own candidacy, but shall apply to contributions from the candidate's spouse.

2.05.050 Voluntary Expenditure Ceiling

- A. *Amount Per Registered Voter.* No candidate or controlled committee who voluntarily accepts expenditure ceilings shall make campaign expenditures in excess of an amount equal to fifty cents (.50) per registered voter of the City of Murrieta. The number of registered voters for such calculation shall be determined by the City Clerk from the last available certification of registered voters to the California Secretary of State on the first day of the nomination campaign period.
- B. *Statement of Acceptance or Rejection.* Each candidate for City Elective office must file with the City Clerk a statement of acceptance or rejection of the voluntary expenditure ceiling prior to accepting any contributions.
- C. *Relationship to Contribution Limits.* Any candidate for City elective office who accepts the voluntary expenditure ceiling or any controlled campaign committee of that candidate may not make campaign expenditures cumulatively in excess of the voluntary expenditure ceiling.
 - 1. If a candidate accepts such campaign expenditure limits, the candidate shall be subject to the campaign contribution limit set forth in Section 2.05.040B.1.
 - 2. If a candidate rejects such campaign expenditure limits, the candidate shall be subject to the campaign contribution limits set forth in Section 2.05.040B.2.
- D. *Committee Expenditures.* Expenditures by a candidate's controlled committee shall be deemed expenditures by the candidate for the purposes of this chapter.

2.05.070 Violation and Penalty

In accordance with the provisions of Section 1.32.010 et.seq. of the Murrieta Municipal Code, violations of this chapter shall be prosecuted as misdemeanors."

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify to the adoption of this Ordinance and shall publish a summary of this Ordinance and post a copy of the full ordinance in the office of the

City Clerk at least five days prior to the adoption of the proposed ordinance; and within 15 days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance. This Ordinance shall take effect thirty days after the date of its adoption.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 3rd day of April, 2001.

(d)(5)

Mayor
City of Murrieta

ATTEST:

(d)(5)

City Clerk
City of Murrieta

I, A. Kay Vinson, City Clerk of the City of Murrieta, California, hereby certify that the foregoing Ordinance was duly and regularly introduced at a meeting of the City Council on 20th day of March, 2001 and that thereafter the said Ordinance was duly and regularly adopted at a meeting of the City Council on the 3rd day of April, 2001, by the following vote, to wit:

AYES: Ostling, van Haaster, Youens and Seyarto

NOES: Enochs

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the City of Murrieta, California, this 3rd day of April, 2001.

(d)(5)

City Clerk, City of Murrieta